

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PATRICIA R. STEEB,

Plaintiff,

vs.

No. CIV 00-1538 LCS

**THE BOARD OF REGENTS OF
NEW MEXICO STATE UNIVERSITY,
AUSTIN HOOVER, and R. DAVID MYERS**

Defendant.

MEMORANDUM OPINION AND ORDER

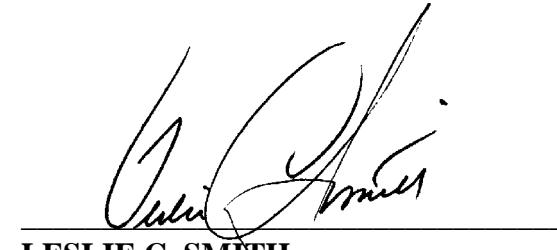
THIS MATTER comes before the Court on Defendants' Motion for Summary Judgment on the Title VII Claim filed April 16, 2001 (*Doc. 25*). The United States Magistrate Judge, presiding with the consent of the parties in accordance with 28 U.S.C. § 636(c), has considered the pleadings, the motions, the memoranda of the parties, and the relevant law. The Court finds that the Defendant's Motion for Summary Judgment is not well taken and should be **denied**.

The Defendants argue that the regulation permitting the Equal Employment Opportunity Commission to issue right to sue notices prior to passage of 180 days is invalid because it is contrary to federal statute. The Defendant's argument, however, is unpersuasive in light of the Tenth Circuit decision in *Walker v. United Parcel Service, Inc.*, 240 F.3d 1268 (10th Cir. 2001), where the court held the regulation allowing right to sue notices is valid.

The fact that the Tenth Circuit has ruled on the Defendants' issue now makes this motion for summary judgment moot. The Court hereby orders the Defendants' Motion for Summary

Judgment on the Title VII Claim filed April 16, 2001 (*Doc. 25*) **DENIED**.

IT IS SO ORDERED.



LESLIE C. SMITH
United States Magistrate Judge